SW/vv
02/12/15
Item #4

AN ORDINANCE 2015-02-12-0077

ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 9, 2015 TO AUTHORIZE THE CONTINUATION OF THE CURRENT 1/8TH SALES TAX FOR THE EDWARDS AQUIFER PROTECTION VENUE PROJECT AT $100 MILLION AND THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT AT $80 MILLION.

* * * * *

WHEREAS, the City Council of the City of San Antonio, Texas desires to provide for the planning, acquisition, establishment, development, construction, monitoring, maintenance or renovation of two venue projects as authorized by, and defined in, Chapter 334, Texas Local Government Code, which includes (1) the acquisition of property for a conservation easement or open-space preservation program and the development of a recharge, recharge area or recharge feature protection program intended to protect water in the Edwards Aquifer and (2) the acquisition of open space and development of linear parks along San Antonio's Creekways, specifically including the Leon Creek, Salado Creek, Medina River, San Antonio River, and tributaries, such as the Apache, Alazan, Culebra, Huesta, Huebner, Lorence, Martinez, Olmos, and San Pedro, and for improvements and additions to the Municipal Parks and Recreation System; and

WHEREAS, if the Venue Projects described in this Ordinance are approved by the voters, the City may use money received from the sales and use tax approved by the voters to reimburse or pay the costs of planning, acquiring, establishing, developing, constructing, monitoring, maintaining or renovating such approved Venue Projects, or pay the principal and interest on, and other costs relating to bonds or other obligations issued by the City to finance the Venue Projects; and

WHEREAS, pursuant to the requirements of Chapter 334, Section 334.021, the City Council adopted Resolution No. 2015-01-29-0005R (the Resolution) on January 29, 2015, designating the Venue Projects and designating the method of financing for such Venue Projects; and

WHEREAS, Chapter 334, Section 334.024, authorizes the City to order an election on the question of approving and implementing the Resolution and approving these Venue Projects and the method of financing; and

WHEREAS, pursuant to the requirements of Chapter 334, Section 334.022, the City, before calling the election, sent a copy of this Resolution to the State Comptroller, who has (1) performed an analysis to determine if approval and implementation of this Resolution will have a significant negative fiscal impact on state revenue, and (2) provided to the City written notice of the results of the analysis; and

WHEREAS, the Comptroller, by letter dated January 30, 2015 determined, and the City has received written confirmation thereof, that implementation of this Resolution will not have a significant negative impact on state revenue; and

WHEREAS, the City Council may now order an election on the question of approving and implementing the Venue Projects Resolution which designates, and provides for the planning, acquisition, establishment, development, construction, monitoring, maintenance or renovation of, and the method of financing for the *EDWARDS AQUIFER PROTECTION VENUE PROJECT* and the *PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT*; and

WHEREAS, the City Council finds that an election should be held under the authority of Chapter 334 on the question of implementing and approving this Resolution and imposing a sales and use tax for the purposes identified in this Ordinance; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. DATE; OFFICIAL PROPOSITIONS. An election shall be held on Saturday, the 9th day of May, 2015, in accordance with the laws of the State of Texas, including Chapter 334, Texas Local Government Code, the Texas Election Code, and the provisions of the charter of the City of San Antonio. The official ballots for said election shall be prepared in accordance with Chapter 334 and the Texas Election Code and at said election the following PROPOSITIONS shall be submitted in accordance with the law:

THE EDWARDS AQUIFER PROTECTION VENUE PROJECT PROPOSITION

PROPOSITION NO. 1

"Shall the City Council of the City of San Antonio, Texas, be authorized to implement Resolution No. 2015-01-29-0005R (the "Venue Projects Resolution"), which provides for the planning, acquisition, establishment, development, construction, monitoring, maintenance or renovation of, and method of financing for the **"Edwards Aquifer Protection Venue Project,"** which includes the acquisition of property for a conservation easement or open-space preservation program and the development of a recharge, recharge area or recharge feature protection program intended to protect water in the Edwards Aquifer, and to impose a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%) (a portion of which tax shall be shared with and used for the **"Parks Development and Expansion Venue Project"** if such venue project is also approved by the voters) for the purpose of financing the **"Edwards Aquifer Protection Venue Project"** in an amount not to exceed $100 million (including costs of issuance and interest on bonds or other obligations, if any) to begin upon the full collection of sales and use tax authorized by the voters on November 2, 2010 for the Edwards Aquifer Protection Venue Project and the Parks and Development and Expansion Venue Project?"

THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT PROPOSITION

PROPOSITION NO. 2

"Shall the City Council of the City of San Antonio, Texas, be authorized to implement Resolution No. 2015-01-29-0005R, which provides for the planning, acquisition, establishment, development, construction, monitoring, maintenance or renovation of, and method of financing for the **"Parks Development and Expansion Venue Project,"** which includes the acquisition of open space and development of linear parks along San Antonio's Creekways, specifically including the Leon Creek, Salado Creek, Medina River, San Antonio River, and tributaries, such as the Apache, Alazan, Culebra, Huesta, Huebner, Lorence, Martinez, Olmos, and San Pedro, and for improvements and additions to the Municipal Parks and Recreation System, and to impose a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%) (a portion of which tax shall be shared with and used for the **"Edwards Aquifer Protection Venue Project"** if such venue project is also approved by the voters) for the purpose of financing the **"Parks Development and Expansion Venue Project"** in an amount not to exceed $80 million (including costs of issuance and interest on bonds or other obligations, if any) to begin upon the full collection of sales and use tax authorized by the voters on November 2, 2010 for the Edwards Aquifer Protection Venue Project and the Parks and Development and Expansion Venue Project?"

SECTION 2. FORM OF BALLOTS. The official ballots for said election shall be prepared in accordance with Chapter 334, Texas Local Government Code and the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITIONS, with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows:

THE EDWARDS AQUIFER PROTECTION VENUE PROJECT PROPOSITION

PROPOSITION NO. 1

FOR } Authorizing the City of San Antonio to protect water quality in the Edwards Aquifer by establishing a watershed protection and preservation project known as the "***Edwards Aquifer Protection Venue Project***" to acquire and preserve land or interests in land in the Edwards Aquifer recharge and contributing zones both inside and outside Bexar County, and to develop a recharge, recharge area or recharge feature protection program and to impose a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%), (a portion of which tax shall be shared with and used for the ***"Parks Development and Expansion Venue Project"*** if such venue project is also approved by the voters), in an amount not to exceed $100 million (including costs of issuance and interest on bonds or other obligations, if any), for the purpose of financing the "***Edwards Aquifer Protection Venue Project***", to begin upon the full collection of sales and use tax authorized by the voters on November 2, 2010 for the Edwards Aquifer Protection Venue Project and for the Parks Development and Expansion Venue Project.

AGAINST }

THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT PROPOSITION

PROPOSITION NO. 2

FOR } Authorizing the City of San Antonio to establish the ***"Parks Development and Expansion Venue Project"*** which includes the acquisition of open space and development of linear parks along San Antonio's Creekways, specifically including the Leon Creek, Salado Creek, Medina River, San Antonio River, and tributaries, such as the Apache, Alazan, Culebra, Huesta, Huebner, Lorence, Martinez, Olmos, and San Pedro, and for improvements and additions to the Municipal Parks and Recreation System, and to impose a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%) (a portion of which tax shall be shared with and used for the ***"Edwards Aquifer Protection Venue project"*** if such venue project is also approved by the voters), in an amount not to exceed $80 million (including costs of issuance and interest on bonds or other obligations, if any), for the purpose of financing the ***"Parks Development and Expansion Venue Project"*** to begin upon the full collection of sales and use tax authorized by the voters on November 2, 2010 for the Edwards Aquifer Protection Venue Project and for the Parks Development and Expansion Venue Project.

AGAINST }

SECTION 3. The Propositions, if approved by a majority of the resident, qualified voters of the City of San Antonio, Texas, who vote in the May 9, 2015 election, are effective when the City Council enters an order stating an effective date of the propositions and states on the records of the City declaring that the sales and use tax has been adopted.

SECTION 4. The City Council also authorizes the May 9, 2015 Special Sales and Use Tax election to be held jointly with the City's general election and Charter Amendment Election, and with other participating local political subdivisions located within Bexar County. The city shall execute an agreement with Bexar County to conduct the election as a joint election with the other political subdivisions identified in the agreement. An ordinance authorizing this contract will be considered by the City Council at a subsequent meeting.

Pursuant to the Texas Election Code, Section 61.012, as amended, the Bexar County Elections Administrator shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirements for voting systems that permit voters with physical disabilities to cast a confidential or secret ballot.

SECTION 5. The Special sales and use tax election shall be held as prescribed by law. Voting precincts and hours of voting shall be established by the Bexar County Elections Administrator. An ordinance adopting the precincts and voting hours for the May 9, 2015 election will be considered at a later meeting.

SECTION 6. Voting on Election Day, Saturday, May 9, 2015, shall be conducted by the use of AIS650 Tabulators, paper ballots, or the iVotronic™ touch screen voting system, as determined by the City Clerk and the Bexar County Elections Administrator.

For early voting by mail and for provisional voting at this election, the City Clerk has determined that voting shall be conducted by the use of the AIS650 Tabulators, and paper ballots.

For early voting by personal appearance, beginning on Monday, April 27, 2015, and ending on Tuesday, May 5, 2012, the City Clerk has determined that voting shall be conducted by the use of the iVotronic™ touch screen voting system at polling locations to be determined by the Bexar County Elections Administrator. An ordinance authorizing the polling locations for early voting within Bexar County will be considered at a later meeting.

Early voting by personal appearance shall be conducted at the polling locations, during the period of early voting, commencing Monday, April 27, 2015, and ending on Tuesday, May 5, 2015. Hours of early voting shall be established by the Bexar County Elections Administrator in accordance with the applicable provisions of Texas law.

SECTION 7. Electors may cast their early vote by mail. Ballot applications and ballots voted by mail shall be mailed to the early voting clerk as follows:

Jacquelyn F. Callanen, Early Voting Clerk
Bexar County Elections Administrator
203 E. Nueva, 3.61
San Antonio, TX 78207

The last day to receive an application for a ballot to be voted by mail is Thursday, April 30, 2015.

SECTION 8. NOTICE. (a) *Form of Notice of Election*. The City Clerk of the City of San Antonio is authorized and directed to prepare a form of the Notice of Election in both English and Spanish, the contents of which comply with the requirements of Section 4.004 of the Texas Election Code and any other applicable law, and will include at the minimum, the nature and date of the election; the location of each election day and early voting polling place; the hours the polls will be open; the locations, dates and times of temporary branch locations of early voting by personal appearance; the early voting clerk's mailing address; and any other information required by other law, and with variations as permitted by applicable law.

(b) *Method of Giving Notice*. Notice of the election shall be given by posting a copy of the Notice of Election, both in English and Spanish, not later than the 21st day before the date set for the election on the bulletin board used for posting notices of the meetings of the City Council of the City. Notice of the election shall also be given by publishing said Notice of Election, both in English and Spanish, at least once, not earlier than the 30th day or later than the 10th day before Election Day, in a newspaper of general circulation published in the City of San Antonio. The

City Council declares that the *San Antonio Express News* is a newspaper of general circulation within the city.

SECTION 9. All resident qualified voters of the City of San Antonio, Texas shall be permitted to vote at the May 9, 2015 election and on the day of the election, such electors shall vote at the designated polling places. The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and the provisions of the Texas Government Code, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish. The official ballots for the May 9, 2015 election shall be prepared in accordance with the Texas Election Code.

SECTION 10. If any provision of this Ordinance or its application to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council declares that this Ordinance would have been enacted without such invalid provision.

SECTION 11. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code.

SECTION 12. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 12th day of February, 2015.

Ivy R. Taylor

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Martha G. Sepeda, Acting City Attorney

Edwards Aquifer Protection Program & Linear Creekway Parks Development Program

1

CITY OF SAN ANTONIO
CITY COUNCIL MEETING
FEBRUARY 12, 2015
ITEM #4

Presented by:

Peter Zanoni, Deputy City Manager

Edwards and Park Trails Programs

2

An Ordinance ordering a special election to be held on May 9, 2015 for:

- Edwards Aquifer Protection Program - $100 million
  - $90 million for conservation easements and land purchases
  - $10 million for Bexar County watershed and recharge protection initiatives
- Parks Linear Creekway Program - $80 million

State Comptroller has issued determination in support of proposed sales tax venues

May 9, 2015 Election Timeline

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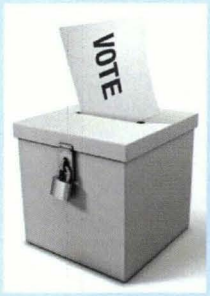
Jan. 29, 2015
City Council Resolution

Jan. 30, 2015
State Comptroller Determination

Feb. 12, 2015
Call for Election

May 9, 2015
Election Date



Proposed Funding Levels 2016 - 2021

4

$180 million
Total

$100 million
Edwards Program

$80 million
Linear Creekway Parks Program

$90 million
Conservation Easements & Land Purchases

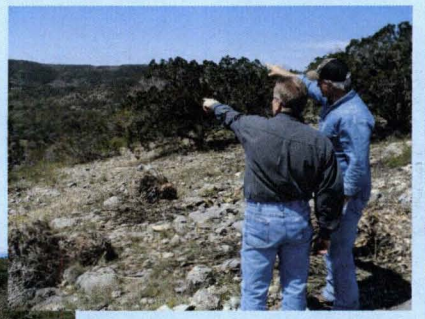
$10 million
Urban Area Demonstration Projects

Program Recommendations

5

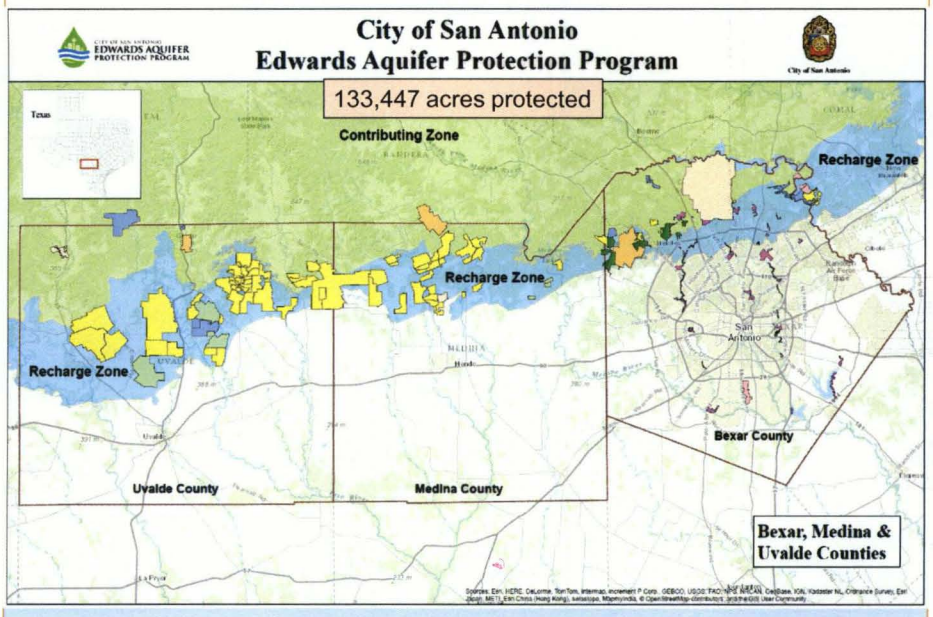
Edwards Aquifer Protection Program

- $90 million for conservation easements and open space preservation over the Recharge and Contributing Zones
- $10 million for watershed and recharge protection and recharge projects within Bexar County



Concan Ranch – Uvalde County

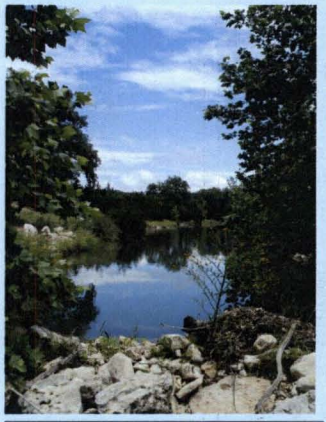
Moore Ranch – Verde Creek



Edwards Program Protected Land

7

Heep Ranch – Verde Creek



Figg Ranch – Blanco Creek

Edwards Program Protected Land

8

McNeel Ranch – San Geronimo Creek

Estrella Ranch – Cave

Watershed Protection Projects

9

Examples of Low Impact Development

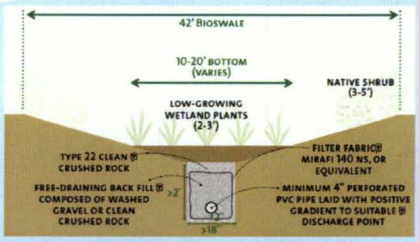
- Bioretention/Bioswales
- Constructed wetlands
- Dry detention basins
- Green roofs
- Porous pavement & parking lots
- Rain gardens
- Retention-irrigation
- Wet basins

Green Roofs

Watershed Protection Projects

10

Bioswales



Watershed Protection Projects

11

Pervious Parking Lots

Watershed Protection Projects

12

Rain Gardens

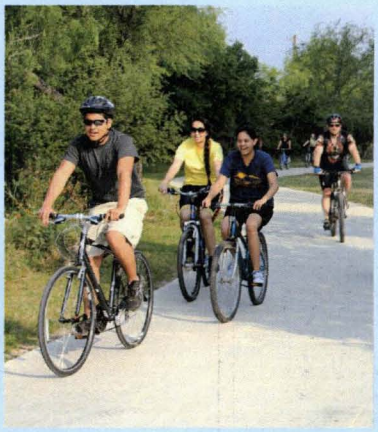
Program Recommendations

13

Parks Linear Creekway Program

- $80 million for the acquisition of open space and development of linear parks
- To the extent possible and practical, watershed and water quality protection efforts will be incorporated when developing park improvements within the re-authorized project venue

Salado Creek Greenway



COSA Linear Park System

Linear Creekway Parks Development Plan

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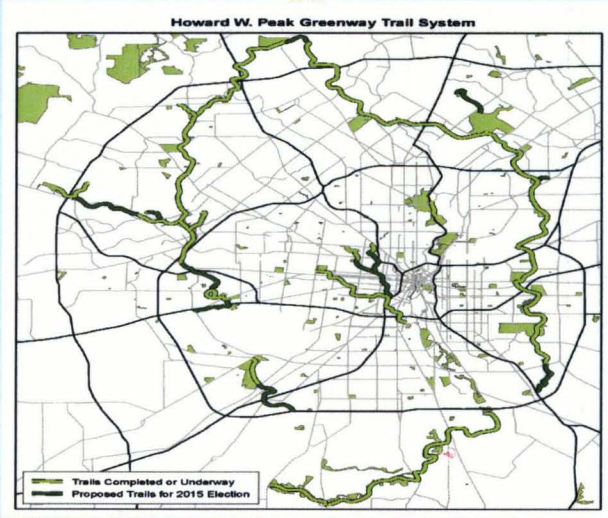


Linear Creekway Parks

15

Leon Creek
Greenway
Earl Scott Pond

Salado Creek Greenway
connection to J-Street Park

Linear Creekway Parks

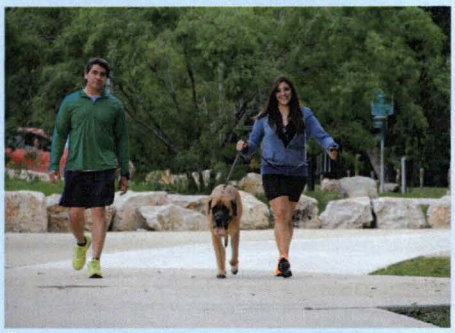
16

Salado Creek
Greenway
near MLK Park

Salado Creek Greenway
near Tobin Park

Linear Creekway Parks

17



Salado Creek Greenway
at Southside Lions Park

Medina River Greenway
Old Applewhite Trailhead

Community Outreach

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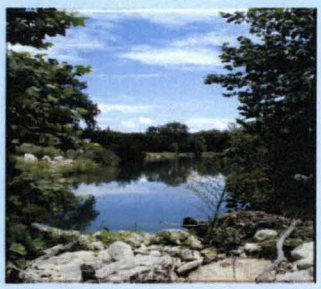
- Informational Brochures in English and Spanish
- Informational Website launched today
- City Staff Spokespersons available for Factual Presentations to community



City Staff Recommendation

19

City Council approve Resolution for two venue projects:

1. Edwards Aquifer program totaling $100 million
   - $90M for continuation of conservation easement and land purchases
   - $10M dedicated to watershed and recharge protection projects exclusively in Bexar County
2. Linear Creekway Parks program totaling $80 million
   - Continuation of existing program objectives and, when possible and practical, watershed and water quality protection efforts for future parks improvements
3. Special Election on May 9, 2015